

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JANE DOE 130,

Plaintiff,

v.

ARCHDIOCESE OF PORTLAND
IN OREGON, ROMAN CATHOLIC
ARCHBISHOP OF PORTLAND
IN OREGON, and J.V.H.,

Defendants.

3:08-CV-193-PK

OPINION AND
ORDER

PAPAK, Magistrate Judge:

Fictitiously named plaintiff Jane Doe 130 filed this action against defendants Archdiocese of Portland in Oregon (the "Archdiocese"), Roman Catholic Archbishop of Portland in Oregon (the "Archbishop" and, collectively with the Archdiocese, the "archdiocesan defendants"), and Fr. J.V.H. on February 14, 2008. This court has jurisdiction over plaintiff's action pursuant to 28

U.S.C. § 1334(b), based on the relatedness of these proceedings to *In re Roman Catholic Archbishop of Portland ("RCAP")*, 04-37154, a case arising under Title 11 of the United States Code. Specifically, this action is subject to the future claims trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *RCAP*, which, in relevant part, sets a \$20 million cap on the total funds available to pay all claims made against the Archdiocese through 2023.

Now before the court is the archdiocesan defendants' unopposed motion (#112) to approve the settlement of plaintiff's claims against them and to approve payment from the future claims trust. For the reasons set forth below, the motion is granted and the settlement is approved.

Plaintiff and the archdiocesan defendants underwent mediation of their dispute on June 13, 2011, apparently resulting in a final settlement agreement at some later date. If the parties' settlement is approved, plaintiff will receive \$20,000 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to plaintiff out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against the Archdiocese and Archbishop, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On August 10, 2011, the archdiocesan defendants served the requisite notice by mail on

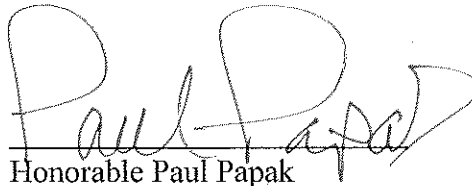
all of the necessary parties. The period for filing objections to this court's approval of the parties' settlement lapsed September 6, 2011. No objection to this motion has been filed.

In the absence of objection by any interested party, and in consideration of the size of the payment at issue relative to the amount remaining in the future trust fund, I find no reason exists to refuse approval of the parties' settlement. The archdiocesan defendants' motion is therefore granted, and the subject settlement approved.

CONCLUSION

For the reasons set forth above, the motion (#112) to approve the settlement of plaintiff's claims against the archdiocesan defendants and to approve payment from the future claims trust is granted, the settlement agreed to by plaintiff and the archdiocesan defendants is approved, and payment to plaintiff of \$20,000 from the future claims trust is authorized.

Dated this 12th day of September, 2011.


Honorable Paul Papak
United States Magistrate Judge